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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,761	02/09/2004	Jeffrey W. Yeo	6270/136	8720
46260	7590	11/09/2007		
BRINKS HOFER GILSON & LIONE/PML PO BOX 10395 CHICAGO, IL 60610			EXAMINER LAU, TUNG S	
			ART UNIT 2863	PAPER NUMBER
			MAIL DATE 11/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,761

Applicant(s)

YEO ET AL.

Examiner

Tung S. Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/12/2007 has been entered.

Information Disclosure Statement

2. The information disclosure statement filed 09/12/2007 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the date of the publication of the references is/are missing. It has been placed in the application file, but the information referred to therein has not been considered as to the merits (items D2, D9, D14, D15, D18, D19, D21, D22, D23, D25-D31, see attachment). Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 C(1).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Or et al.

(U.S. Patent Application Publication 2002/0178047).

Regarding claim 1:

Or discloses a method of identifying at least one unknown energy driver (abstract), the method comprising: receiving quantity metadata and energy usage data (abstract); receiving a time interval (fig. 6); determining at least one relationship between the quantity metadata and energy usage data by analyzing the quantity metadata and energy usage data; assessing the quality of the at least one relationship to determine the quantity metadata contributing to the determined at least one relationship (page 1, section 0006-0008), identifying the at least one energy driver from the quantity metadata contributing to the determined at least one relationship by comparing the quantity metadata contributing the determined at least one relationship with a predetermined list of potential energy drivers (page 1, section 0006-0008), wherein the at least one

Modularized Functions - Measuring

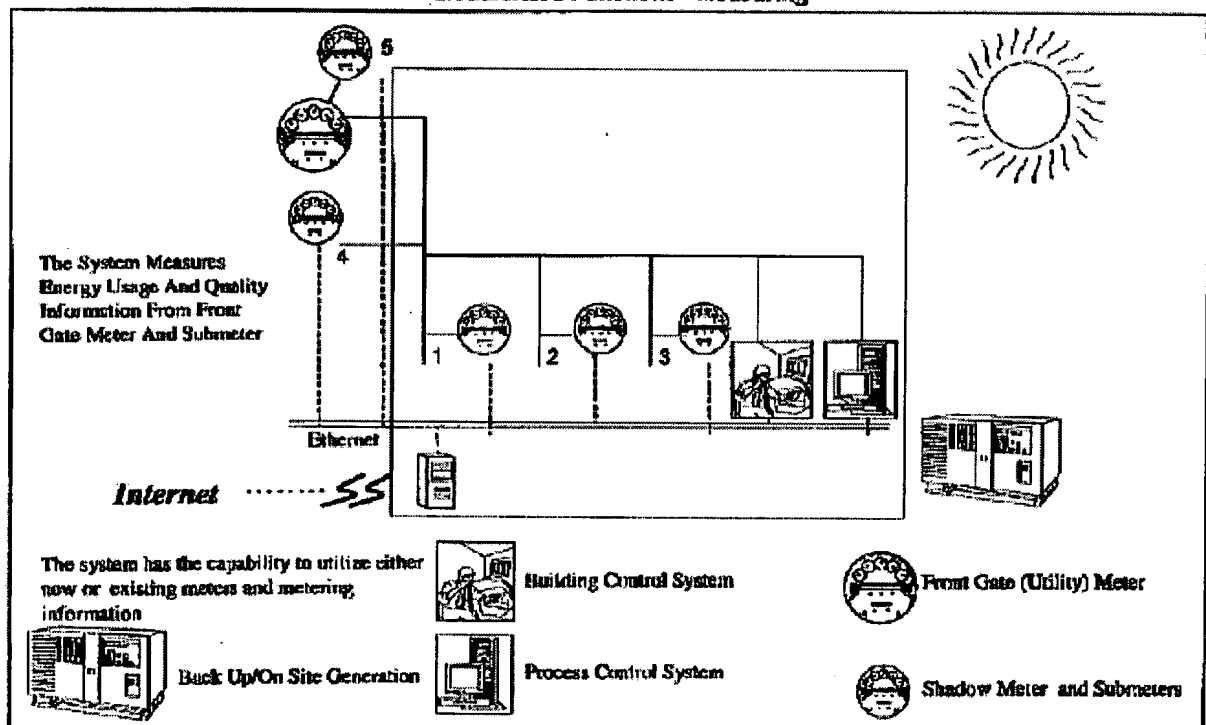


FIGURE 5

Regarding claim 11:

Or discloses a system for identifying unknown energy drivers in an energy distribution network (abstract), the system comprising: an energy drivers application (abstract), the energy drivers application having; an input module operative to receive quantity metadata, predetermined energy driver quantities (fig. 5), energy usage data (fig. 5), and a time interval (fig. 6, 7); a processing module coupled with the input module and operative to determine at least one relationship by analyzing the quantity metadata and energy usage data during the time interval (fig. 5, 6, 7), the processing module being further operable to assess the quality of the at least one relationship to determine the quality metadata contributing to the determined at least one relationship (page 1, section 0006-0008) and identify the at least one energy driver based on the quantity metadata contributing to the determined at least one relationship (fig. 7, 8, 9); wherein the at least one energy driver energy is a cause of energy consumption (page 1, section 0006-0008) as reflected in the energy driver usage data (page 1, section 0006-0008); and an output module coupled with the processing module and operative to output the identified at least one energy driver (fig. 10, 11), a rate engine coupled with the operative to calculate a cost of energy usage based on the identified at least energy driver and further operative to reduce the cost energy usage (fig. 10, 11, 12).

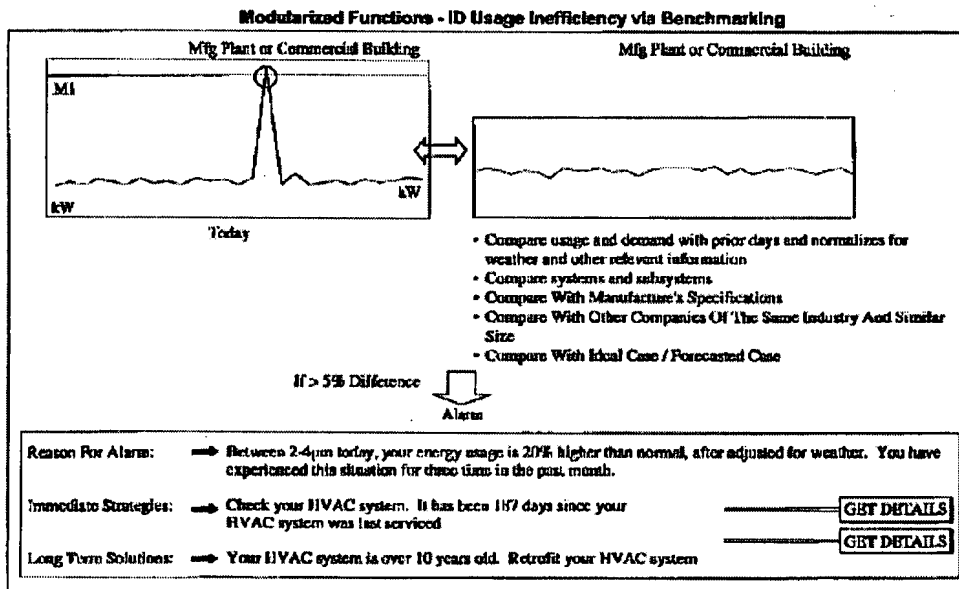


FIGURE 6

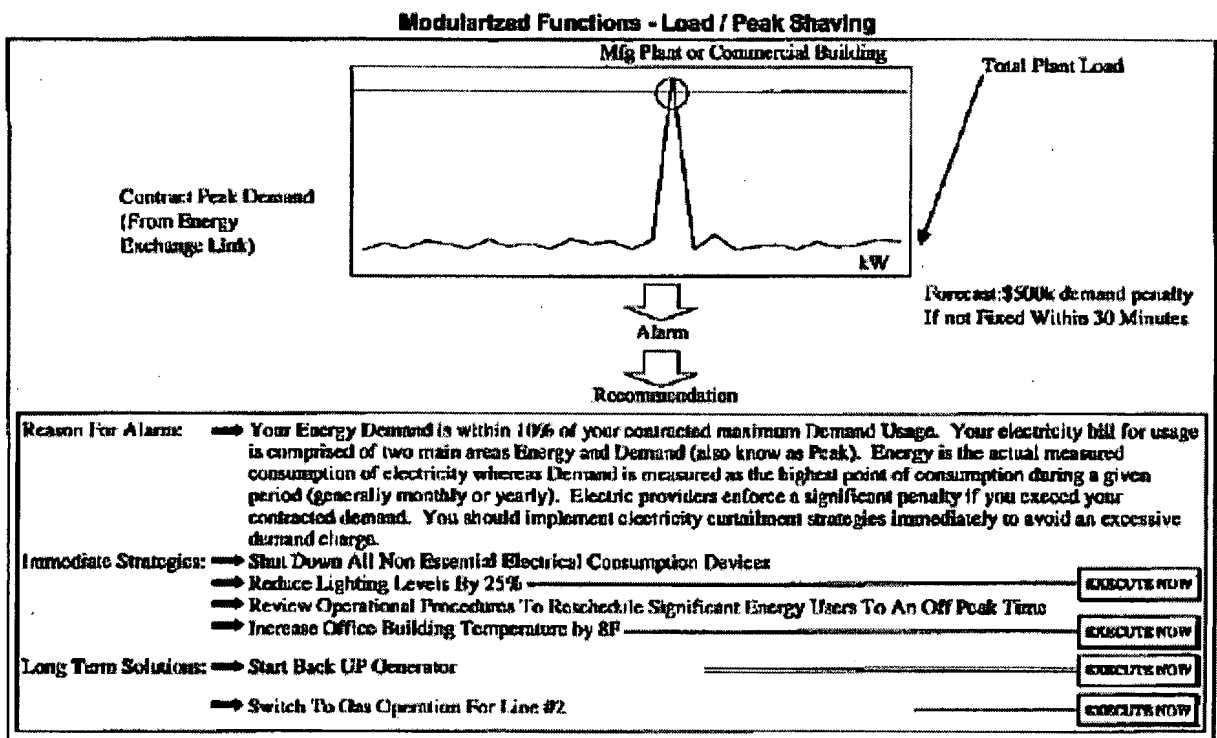


FIGURE 7

Regarding claim 24:

Or discloses a system for identifying unknown energy drivers in an energy distribution network (abstract), comprising: means for accepting quantity metadata and energy usage data associated with consumed energy (page 1, section 0006-0008); means for determining at least one relationship by analyzing the quantity metadata and energy usage data (page 1, section 0006-0008); associated with consumed energy within a predetermined time interval (fig. 6, 7, 8); means for assessing the quality of the at least one relationship to determine the quantity metadata contributing to determined at least one relationship (fig. 7, 8, 9); means for identifying the at least one energy driver from the quantity metadata contributing to the determined at least one relationship (page 1, section 0006-0008); wherein the at least one energy driver is cause of an amount of consumed energy that is reflected in the energy usage data (fig. 6-9); and means for outputting the identified at least one energy driver (fig. 6-9); and means for monitoring the identified at least one energy driver to manage energy usage (page 1, section 0006-0008, fig. 10, 11); means for calculating a cost associated with operation of the at least one energy driver (fig. 10, 11, 12); mean for controlling the identified at least one energy driver based on the cost of energy from the identified at least energy driver (fig. 10, 11, 12)

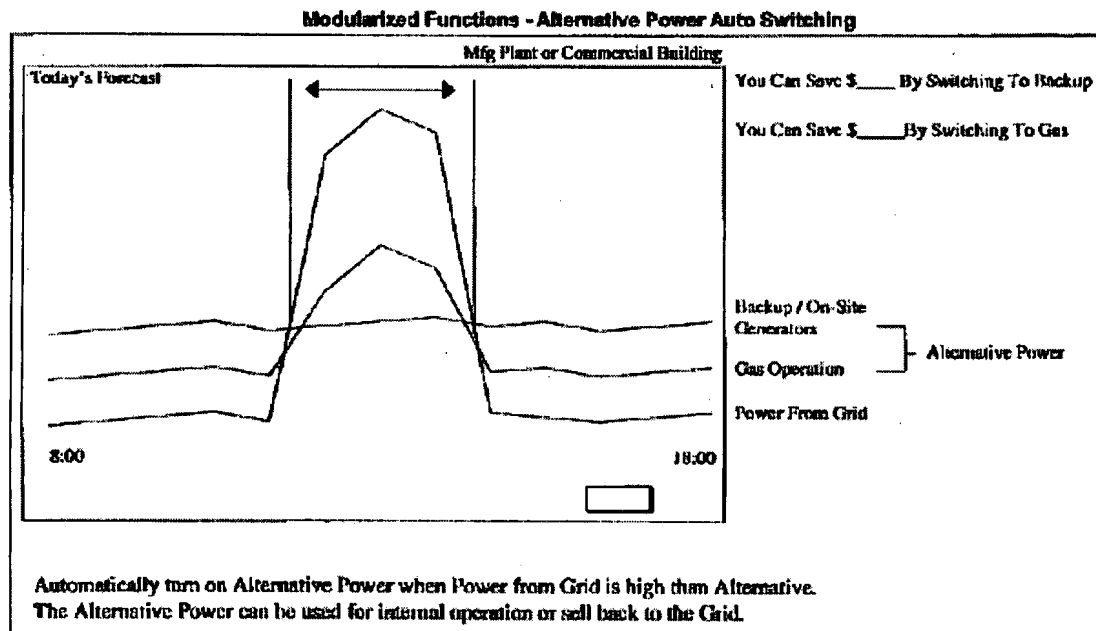


FIGURE 8

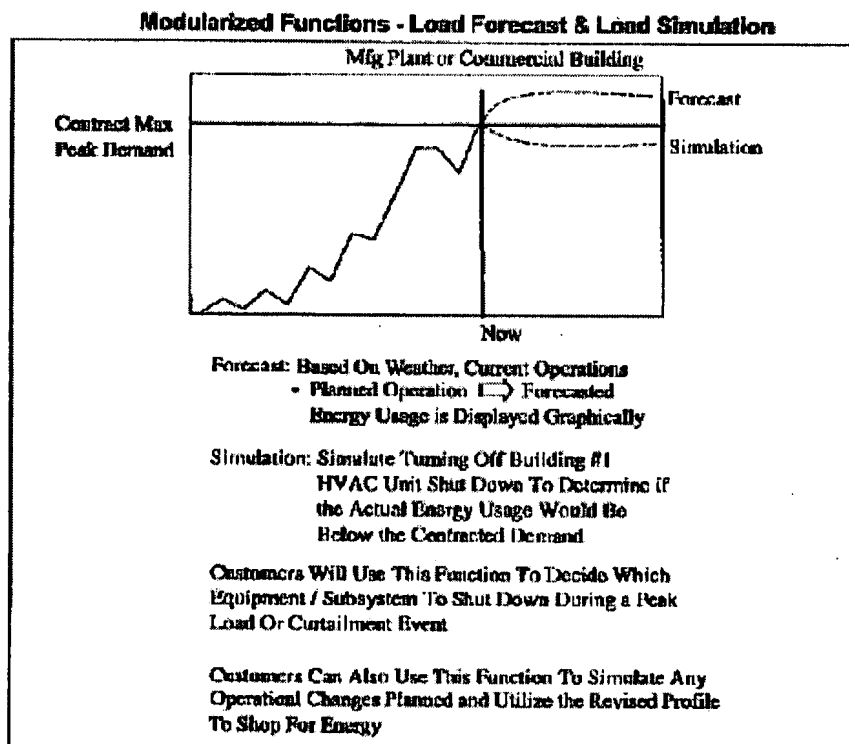


FIGURE 9

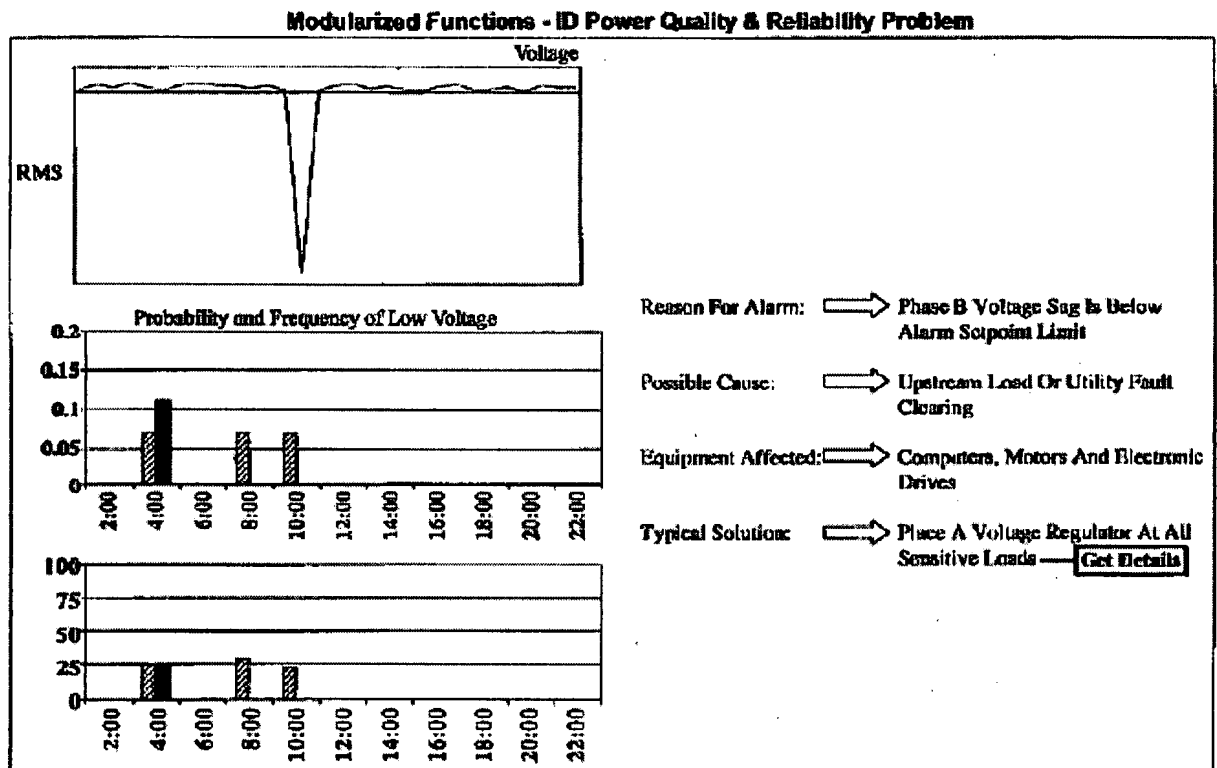


FIGURE 10

Regarding claim 25:

Or discloses an energy drivers application implemented on a computer (fig. 5), the computer having a processor and a memory coupled with the processor (fig. 5, server), the energy drivers application comprising: first logic stored in the memory and executable by the processor and operable to accept quantity metadata a list of potential energy driver (page 1, section 0006-0008) and energy usage data (fig. 6-9); second logic stored in the memory (page 1, section 0006-0008), executable by the processor and coupled with the first logic (fig. 5), and operable to determine at least one relationship by analyzing the quantity metadata potential energy usage data and comparing with the list of potential

energy driver (fig. 7-9), the second logic being further operable to assess the quality of the at least one relationship to determine the quantity metadata contributing to the determined at least one relationship (fig. 7-9, page 1, section 0006-0008) and further identify the at least one energy driver from the quantity metadata contributing to the determined at least one relationship wherein the at least one energy driver (fig. 6-9, 11) comprises a variable that is a cause of the energy usage data (fig. 10, 11, 12), the second logic further operative to calculate a cost from identified at least one energy driver (fig. 10, 11, 12) and third logic stored in the memory, executable by the processor and coupled with the second logic, and operable to output the at least one energy driver (fig. 5, computer), and fourth logic stored in the memory, executable by the processor and coupled with the third logic, and operable to monitor the at least one energy driver for management of energy usage (fig. 11, 12, 13) and further operable to control the identified at least one energy driver based on the cost of the at least one energy driver (page 1, section 0006-0008, fig. 10-12).

Modularized Functions - Wizard to Search for Product

LIGHTING

Length

Rose Type

Bulb Type

Voltage

Color

Wattage

All selections

The Default Values Are Data Extracted From the RMS database.

Link to Manufacturer inventory database, check availability, issue PO and shipping info. Notify customer order ship and bill status

↓ Recommendation

Item Number	Brand	Price	Description	Additional Information	Watts	Base	
3V348	GENERAL ELECTRIC	\$7.38	F48T12/CW LAMP	COOL WHITE	40	SINGLE PIN (FA8)	Buy Now
4V951	SYLVANIA	\$12.71	F48T12/D LAMP	DAYLIGHT	40	SINGLE PIN (FA8)	Buy Now
4V958	GENERAL ELECTRIC	\$19.36	F48T12 / SPX30 LAMP	RE 830 PHOSPHOR	40	SINGLE PIN (FA8)	Buy Now
5V563	PHILLIPS	\$15.18	F48T12 / SP 35 LAMP	RE 735 PHOSPHOR	40	SINGLE PIN (FA8)	Buy Now
1E367	PHILLIPS	\$14.16	F48T12 / SP41 LAMP	RE 741 PHOSPHOR	40	SINGLE PIN (FA8)	Buy Now
1E388	GENERAL ELECTRIC	\$19.36	F48T12 / SPX35 LAMP	RE 835 PHOSPHOR	40	SINGLE PIN (FA8)	Buy Now

Once The Product (Equipment) is Purchased Via The System And Installed, All Technical Info Will Be Captured In The Database For Further Usage And Operational Recommendations

FIGURE 11

Regarding claim 26:

Or discloses an energy drivers application for use in an energy distribution network (fig. 5, abstract), comprising: an input module operative to accept quantity metadata and energy usage data (fig. 6); a processing module coupled with the input module and operative to determine at least one relationship by analyzing the quantity metadata and energy usage data (fig. 5, page 2, section 0016-0017) within a chosen time period (fig. 10-12), the processing module being further operable to assess the quality of the at least the relationship through statistic analysis (fig. 6-9) and identify the at least one energy driver from the quantity metadata contributing to the determined at least one relationship

wherein the at least one energy driver comprises an external factor that is a cause of energy consumption as reflected in the energy usage data (fig. 10-13); and an output module coupled with the processing module and operative to output the identified at least one energy driver (fig. 10-13), and a cost associated with the identified at least one energy driver (fig. 10-13), and a control module coupled with the processing module and operatively to control the identified at least one energy driver to reduce the cost of energy usage (fig. 10-13).

Modularized Functions - Wizard to Search for Service

Systems Type

Skill Required

Location (Zip Code)

Price Range

Hours Required

Project Start Date

All selections

The Default Values Are Data Extracted From the EMS Software

Recommendation

Company Name	Location	Total Project Estimate
ABC	Atlanta, GA	\$5,640.00
DEF	Alpharetta, GA	\$5,900.00

Link to work order scheduling systems of Service Providers

[Schedule w / Vendor](#)

[Schedule w / Vendor](#)

FIGURE 12

Regarding claims 2, Or further discloses predetermined list of potential energy driver including know variable effecting energy usage (fig. 11).

Regarding claims 15, Or further discloses to manage energy driver usage by monitoring at least one energy driver (fig. 11).

Regarding claims 3, 16, Or further discloses relates to production levels (fig. 9, 10).

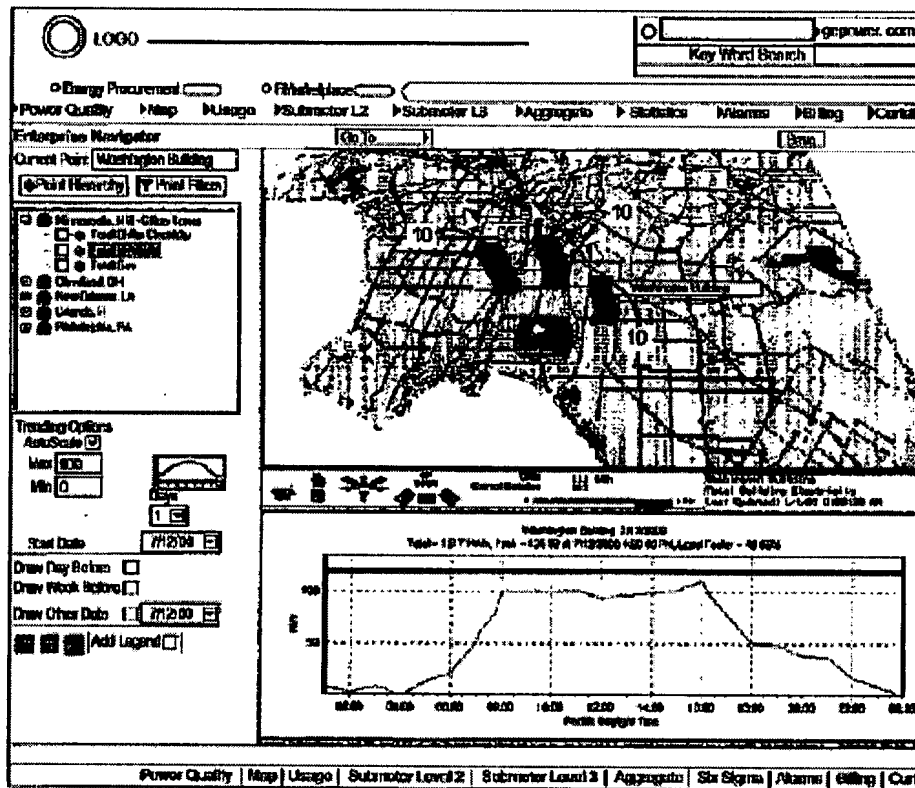


FIGURE 14

Regarding claims 4, 17, Or further discloses production schedules (fig. 6, 7)).

Regarding claims 5, 18, Or further discloses related to process variable (fig. 7, 8).

Regarding claims 8, 21, Or further discloses generic algorithm (fig. 6, 7, 8).

Regarding claims 9, 22, Or further discloses the energy usage are not ratiometrically linked (fig. 11, cost to item number).

Regarding claims 10, 23, Or further discloses outputting graph (fig. 6-9).

Regarding claim 12, Or further discloses network (section 0025).

Regarding claim 13, Or further discloses IED in a network (fig. 5-9).



Regarding claim 14, Or further discloses measuring device coupled to network (section 0025).

Regarding claims 6 and 19, Or further discloses use of linear regression analysis (fig. 9, 10, 11).

Regarding claims 7 and 20, Or further discloses use of multivariate regression analysis (fig. 11).

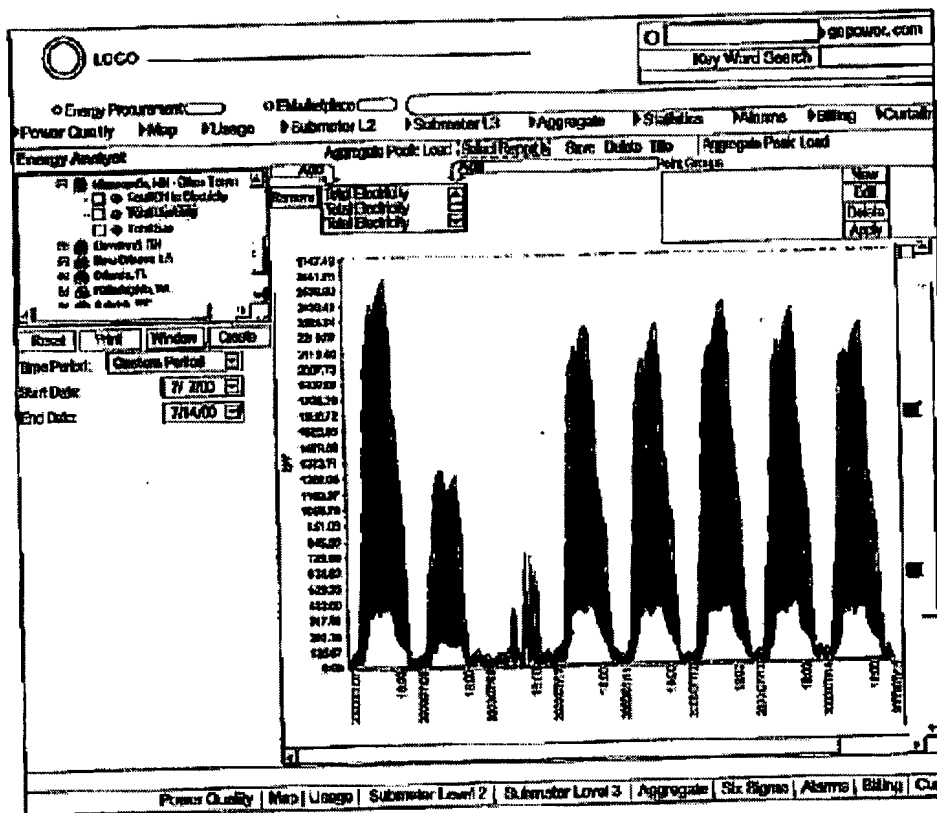
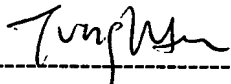


FIGURE 22

Response to Arguments

4. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 09/12/2007 have been fully considered but they are not persuasive.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S. Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tung S. Lau, AU 2863
Primary Examiner
November 2, 2007